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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,942

04/16/2004

William C. To

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EXAMINER

JAKOVAC, RYAN J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,942	Applicant(s) TO, WILLIAM C.	
	Examiner RYAN J. JAKOVAC	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications filed on 04/16/2004.

Claims 1-22 are pending.

Claims 1-22 are rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 2, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear how a server could be "in the computer". Examiner interprets the "server" to be a module of the computer that allows the computer networking capabilities.

Regarding claim 2, it is unclear what is meant by "a browser in the computer". Examiner interprets the claim to mean that the computer displays a browser.

Regarding claim 9, it is unclear how a configuration file receives data from the element. The examiner interprets the claim as the computer receiving data from the element which is stored in a configuration file.

Regarding claim 3, it is unclear where the configuration file is stored, thereby rendering the claim indefinite since it is unclear where said configuration file is processed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 7,043,537 to Pratt.

Regarding claim 1, Pratt teaches an apparatus for managing configuration of an element, the apparatus comprising: a computer that connects with the element to receive data from the element (Pratt, Col. 5, line 1-15, Remote client (i.e. computer) contacts the web server (i.e. element) with a request. The web server transmits the web page data file and transmits it to the remote client where it is handled by the web engine.); and a server in the computer that includes the data in one or more web pages (Pratt, Col. 5, line 1-15, The web engine on the remote client (i.e. "server") loads the web page data file and displays the web page on the user interface.).

Regarding claim 2, Pratt teaches the apparatus of claim 1, further comprising a browser in the computer configured to display the one or more web pages (Pratt, Col. 5, line 1-15, The web engine loads the web page data file and displays the web page on the user interface.).

Regarding claim 3, Pratt teaches the apparatus of claim 1, further comprising a configuration file for holding the data, the server configured to process data from the configuration file for inclusion in the one or more web pages (Pratt, Col. 5, line 1-15, The web engine on the remote client processes the data file and uses that file to display the web page.).

Regarding claim 5, Pratt teaches the apparatus of claim 3, further comprising one or more web page descriptions accessible by the server and one or more constructs included in the web page descriptions (Pratt, Col. 5, line 1-15, The file downloaded by the remote client contains descriptions of the web page as well as a list of software programs that can be managed remotely.), the computer further comprising a construct processing module configured with the server to use the data from the configuration file and the web page descriptions to produce the one or more web pages (Pratt, Col. 5, line 1-15, The remote client processes the data file and uses that file to display the web page.).

Regarding claim 5, Pratt teaches the apparatus of claim 4, further comprising a script executable by the server to activate the construct processing module (Pratt, Col. 5 line 15-37, Web page data having downloadable unit tags referencing downloadable units is executed by the downloadable unit engine of the remote client.)

Regarding claim 6, Pratt teaches the apparatus of claim 3, wherein the construct processing module uses a common gateway interface of the server to obtain data from the configuration file (Pratt, Col. 5, line 1-15, The web engine on the remote client processes the data file and uses that file to display the web page.).

Regarding claim 7, Pratt teaches the apparatus of claim 1, wherein the element is included in a system having a management node (Fig. 1, The security system of the network device and the programmer client both function as a “management node” and are connected through the communication channel to the remote client (i.e. operable to deliver at least one of the data from the configuration file and the one or more web pages to the management node.), the computer further operable to deliver at least one of the data from the configuration file and the one or more web pages to the management node (Pratt, Col. 5, line 1-15, The web engine of the remote client forwards a downloadable unit tag to the network device.).

Regarding claim 8, Pratt teaches the apparatus of claim 1, the computer further operable to perform at least one of updating software included in the element, collecting

performance data from the element (Pratt, Col. 5, line 1-15, The remote client downloads a file (i.e. collects performance data) which contains descriptions of the web page as well as a list of software programs that can be managed remotely.), and operating a troubleshooting tool relative to the element.

Regarding claim 9, Pratt teaches an apparatus for performing configuration management relative to an element, the apparatus comprising: a computer (Pratt, Col. 5, line 1-15, Remote client.); and a configuration file that receives data from the element (Pratt, Col. 5, line 1-15, Data file downloaded from web server.), the configuration file accessible by the computer; wherein the computer formats the data from the configuration file for presentation as one or more web pages, said formatting performed standalone using a server module of the computer (Pratt, Col. 5, line 1-15, The web engine on the remote client processes the data file and uses that file to display the web page.).

Regarding claim 10, Pratt teaches the apparatus of claim 9, further comprising a browser configured to present the one or more web pages (Pratt, Col. 5, line 1-15, The web engine on the remote client processes the data file and uses that file to display the web page.).

Regarding claim 11, Pratt teaches the apparatus of claim 10, the browser configured to display a web page based on input by a user to the computer (Pratt, Col.

5, line 1-15, The web engine sends a URL request in response to a request from a user.).

Regarding claim 12, Pratt teaches the apparatus of claim 9 wherein the computer retrieves the data from the element using a simple network management protocol (Pratt discloses in Col.1, line 15-35 managing and configuring remote devices uses simple network management protocol.).

Regarding claim 13, Pratt teaches the apparatus of claim 9 further comprising a construct processing module that updates the one or more web pages using one or more constructs (Pratt, Col. 5, line 1-15, The file downloaded by the remote client contains descriptions of the web page as well as a list of software programs that can be managed remotely and uses the file to display the web page.).

Regarding claim 14, Pratt teaches a method of managing configuration of an element, the method comprising: connecting a computer to the element; causing data to be transferred from the element to the computer; and viewing the transferred data in one or more web pages formatted by the computer standalone (Pratt, Col. 5, line 1-15, The remote client downloads a file from the web server and displays a web page according to information in the file.).

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Regarding claim 15, Pratt teaches the method of claim 14, further comprising selecting a management function based on the transferred data, the selecting performed using one of the one or more web pages (Pratt, Col. 5, line 1-15, The web engine of the remote client loads the web page data file and displays the web page on the user interface.).

Regarding claim 16, Pratt teaches the method of claim 14, wherein selecting a management function comprises selecting one of updating software included in the element, collecting performance data from the element, and operating a troubleshooting tool relative to the element (Pratt, Col. 5, line 1-15, The remote client downloads a file (i.e. collects performance data) which contains descriptions of the web page as well as a list of software programs that can be managed remotely.).

Regarding claim 17, Pratt teaches a computer-implemented method of providing configuration management relative to an element, the method comprising: connecting with and receiving data from the element; and formatting the data in one or more web pages; said formatting performed standalone (Pratt, Col. 5, line 1-15, The remote client downloads a file from the web server and displays a web page according to information in the file.).

Regarding claim 18, Pratt teaches the method of claim 17, wherein the formatting is performed using a server (Pratt, Col. 5, line 1-15, The remote client downloads a file

from the web server and displays a web page according to information in the file. The remote client is considered a server since it provides data to another computer as disclosed in Col. 5 line 15-37,).

Regarding claim 19, Pratt teaches the method of claim 17, further comprising displaying a web page using a browser (Pratt, Col. 5, line 1-15, The remote client displays a web page (i.e. on a browser).).

Regarding claim 20, Pratt teaches the method of claim 17, further comprising transferring data to the element based on input from a user via one of the one or more web pages (Pratt, Col. 5, line 1-15, A URL is sent to the web server in response to a user hyperlink request.).

Regarding claim 21, Pratt teaches the method of claim 17, further comprising storing the data received from the element in a configuration file (Pratt, Col. 5, line 1-15, The remote client receives a file (i.e. configuration file) from the web server (i.e. element).).

Regarding claim 22, Pratt teaches the method of claim 17, wherein the formatting comprises processing one or more constructs to include dynamic content in a web page (Pratt, Col. 5, line 1-15, The web engine loads the web page data file and displays the

web page on the user interface. The data file includes information about text and images as well as a list of available software programs (i.e. dynamic content).).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. 6,363,423 discloses a system where users can request a remote server to download files. U.S. 2004/0181690 discloses a system for managing network devices from a manager device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 4121
2/5/2008